



PATENT
Attorney Docket No. 05725.1427-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Xavier BLIN et al.)	Group Art Unit: 1616
)	
Application No.: 10/529,318)	Examiner: PAK, John D.
)	
§ 371 Date: March 25, 2005)	Confirmation No.: 6674
)	
PCT Filed: September 26, 2003)	
)	
For: COSMETIC COMPOSITION)	
COMPRISING A SEQUENCED)	
POLYMER AND A PLASTICIZER)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. Copies of the listed U.S. patents, patent application publications, co-pending applications, and respective office actions are not enclosed as they are available on the Imaged File Wrapper of PAIR. The non-patent literature document, Aldrich: Polymer

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Properties, was cited by the Examiner in co-pending U.S. Patent Application No. 10/573,579, and accordingly, no copy is attached.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. See *also* M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

The following is a statement regarding the non-English language documents:

1. **EP 1 043 345**: An English language abstract of this document is attached.
2. **EP 1 279 398**: U.S. Publication No. 2003/0059392, which is believed to be an English language counterpart of this document, is cited on the attached Form SB/08.
3. **EP 1 366 741**: An English language abstract of this document is attached.
4. **EP 1 366 744**: An English language abstract of this document is attached.
5. **JP 10-506404 (published as WO 96/10044)**: An English language abstract appears on the first page of this document.

6. **French Search Report for FR 04/03090**: This is the French Search Report for FR 04/03090 from which co-pending Application No. 11/089,210 (Attorney Docket No. 06028.0097-00) claims priority.
7. **French Search Report for FR/04/50572**: This is the French Search Report for FR 04/50572 from which co-pending Application No. 11/089,210 (Attorney Docket No. 06028.0097-00) claims priority.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited document(s) do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement,
please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 1, 2009

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